

1 Audra M. Mori (State Bar No. 162850)  
2 Katherine M. Dugdale (State Bar No. 168014)  
3 Jennifer N. Chiarelli (State Bar No. 212253)  
4 PERKINS COIE LLP  
5 1620 26<sup>th</sup> Street, Sixth Floor – South Tower  
Santa Monica, California 90404  
Tel: (310) 788-9900; Fax: (310) 788-3399

\*\*E-filed 2/13/06\*\*

5 Attorneys for Plaintiff MICROSOFT CORPORATION

6

7

8 **UNITED STATES DISTRICT COURT**

9

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 MICROSOFT CORPORATION, a Washington  
corporation,

12 Plaintiff,

13 v.

14 SUNCREST ENTERPRISE, a California  
corporation; and YI-LING CHEN, an individual  
15 a/k/a EILEEN CHEN,

16 Defendants.

17 SUNCREST ENTERPRISE, INC., a California  
corporation,

18 Third Party Claimant,

19 v.

20 M-PLUS INTERNATIONAL TECHNOLOGY,  
INC., a California corporation; SIMON PL YU,  
an individual; and AILEEN Y. JIN, an  
individual,

21 Cross-Defendants.

22 ///

23 ///

24

CASE NO. 03-CV-5424-JF/HRL

25 STIPULATION TO CONTINUE MOTION  
HEARING CUT-OFF, PRE-TRIAL AND  
TRIAL DATES; [PROPOSED] ORDER

1           The parties, by and through their attorneys of record, request that the Court accept the  
 2 parties' Stipulation to Continue the Motion Hearing Cut-off, Pre-Trial and Trial Dates in this  
 3 matter.

4           On January 27, 2006, Microsoft, Defendants and Cross Defendants participated in a  
 5 settlement conference before Magistrate Judge Lloyd. The settlement conference was not  
 6 successful. The current Motion Hearing Cut-off is March 17<sup>th</sup> 2006. The Court, however, is not  
 7 available that date. The Court's first available date after the 17<sup>th</sup> for hearing on a motion for  
 8 summary judgment is March 31<sup>st</sup>. The parties request a continuance of the Motion Hearing Cut-  
 9 off and a week continuance of the Pre-Trial Conference and Trial Date to allow the Court time to  
 10 rule on any motions for summary judgment prior to the Pre-Trial Conference.

11           The parties hereby request the Court continue the existing dates as follows:

	<u>Current Dates:</u>	<u>Proposed Dates:</u>
13 Motion Hearing Cut-off:	March 17, 2006	March 31, 2006
14 Pre-Trial Conference	April 7, 2006	April 14, 2006
15 Trial	April 21, 2006	April 28, 2006

17           **IT IS SO STIPULATED:**

19           DATED: February 9, 2006

PERKINS COIE LLP

21           By: \_\_\_\_\_  
 22           Katherine M. Dugdale  
 23           Attorneys for Plaintiff  
 24           MICROSOFT CORPORATION

24           DATED: February 9, 2006

GORMAN & MILLER, P.C.

25           By: \_\_\_\_\_  
 26           John C. Gorman  
 27           Attorneys for Defendants  
 28           SUNCREST ENTERPRISE and YI-LING  
 CHEN a/k/a EILEEN CHEN

1  
2 DATED: February 9, 2006

3  
4 SHAWN T. LEUTHOLD

5  
6 By: 

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Shawn T. Leuthold  
Attorneys for Cross-Defendants  
M-PLUS INTERNATIONAL  
TECHNOLOGY, INC., SIMON PL YU, and  
AILEEN Y. JIN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

	<u>Previous Dates:</u>	<u>New Dates:</u>
Motion Hearing Cut-off:	March 17, 2006	March 31, 2006
Pre-Trial Conference:	April 7, 2006	April 14, 2006
Trial:	April 21, 2006	May 28, 2006

Dated: February 13, 2006

  
HON. JEREMY FOGEL  
United States District Judge

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404.

On February 9, 2006, I served a true copy of **STIPULATION TO CONTINUE MOTION HEARING CUT-OFF, PRE-TRIAL AND TRIAL DATES; [PROPOSED] ORDER** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

<p><b>John C. Gorman Craig Alan Hansen GORMAN &amp; MILLER, P.C. 210 North Fourth Street, Suite 200 San Jose, CA 95112 Telephone: (408) 297-2222 Facsimile: (408) 297-2224</b></p>	<p><b>Attorneys for Defendant/Cross- Claimant SUNCREST ENTERPRISE, INC. and Defendant YI-LING CHEN</b></p>
<p><b>Shawn T. Leuthold Law Office of Shawn T. Leuthold 1671 The Alameda, Suite 309 San Jose, CA 95126 Telephone: (408) 924-0132 Facsimile: (408) 924-0134</b></p>	<p><b>Attorneys for Cross-Defendants SIMON P. YU, AILEEN Y. JIN and M-PLUS INTERNATIONAL TECHNOLOGY (dba Microplus International Technology)</b></p>

**BY MAIL)** I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

**(BY HAND DELIVERY)** I caused each envelope to be delivered by hand to the offices listed above..

[ ] **(BY OVERNIGHT)** I caused each envelope, with postage fully prepaid, to be sent by DHL Express.

[ ] (BY E-MAIL) I served a true copy of on the interested parties in this action by email, addressed as follows:

[ ] **(BY FACSIMILE/TELECOPY)** I caused each document *as a courtesy copy* to be sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

[ ] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[XX ] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 9, 2006, at Santa Monica, California.

Sanaye Kumagai  
SANAYE KUMAGAI